

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JILL A. WHITCOMB,

Plaintiff,

v.

Case No. 17-CV-14

ALEX AZAR,  
Secretary of the U.S. Department of Health  
and Social Services,

Defendant.

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**NOTICE OF SUBSEQUENT AUTHORITY**

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Plaintiff Jill A. Whitcomb files this notice of subsequent authority to bring to the Court's attention decisions issued on January 29, 2018, by the United States District Court for the District of Vermont in *Bloom v. Azar*, Case No. 16-cv-121. [Exhibit 1] and on April 5, 2018, by the United States District Court for the District of Massachusetts in *Lewis v. Azar*, Case No. 15-cv-13530 [Exhibit 2]. While Ms. Whitcomb disagrees with some aspects of the *Bloom* decision, both courts reached the same conclusion as this court on the core issue of whether a CGM qualifies as DME and is, therefore, covered by Medicare. *Bloom*, at 15-22; *Lewis*, at 7-9. It is also noteworthy that through April 5, 2018, the Secretary continued to take the position that a CGM is not durable medical equipment. *Id.* at 2.

Date: April 9, 2018

Respectfully submitted,

PARRISH LAW OFFICES  
Attorneys for Plaintiff

/s/ Debra Parrish

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 9, 2018, I, Robert Theine Pledl of McNally Peterson, S.C. electronically filed a Notice of Subsequent Authority with Exhibits attached, using the Eastern District of Wisconsin ECF system which will automatically send email notification of such filing to counsel of record for Defendant.

MCNALLY PETERSON, S.C.  
Attorneys for Plaintiff

/s/ Robert Theine Pledl

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